

**FLORENCE TOWNSHIP PLANNING BOARD**

**RESOLUTION NO. P.B.-2018-20**

*Application PB#2018-06*

**RESOLUTION OF MEMORIALIZATION  
APPLICATION OF BURLINGTON COAT FACTORY  
SECOND AMENDED PRELIMINARY and FINAL MAJOR SITE PLAN  
BLOCK 160.01, LOT 1.01  
HC HIGHWAY COMMERCIAL ZONING DISTRICT  
ROUTE 130 REDEVELOPMENT AREA  
APPROVAL**

**Decided: August 28, 2018**  
**Resolution Memorialized: August 28, 2018**

**WHEREAS**, Burlington Coat Factory, a corporation whose principal place of business is 1830 Route 130 North, Burlington, New Jersey, has made application to the Florence Township Planning Board for amended preliminary and final major site plan approvals to allow construction of a net total of 114 additional car parking spaces on a 34.89 acre parcel of land located on the southeast side of Route 130 adjoining Burlington Township and known on the Official Tax Map of the Township of Florence as Block 160.01, Lot 1.01;

**WHEREAS**, by way of its Resolution 2012-14 dated December 5, 2012, the Board granted minor subdivision, and preliminary and final major site plan approvals to divide the mother parcel of which the subject property was a part into three parcels, and to construct on then-proposed new Lot 1.01 a new 198,000 sq. ft. office building with a four-story 144,000 sq. ft. wing and a 54,000 sq. ft. three-story wing, and associated site improvements concerning property;

**WHEREAS**, by way of its Resolution 2017-09 dated July 25, 2017, the Board granted amended preliminary and final site plan approvals concerning the subject property to allow construction of a net-metered accessory solar array at the subject property;

**WHEREAS**, the currently proposed parking space development is in an area of the site where the Board's 2012 major site plan approvals allowed for potential future construction of a 3-story 72,000 sq. ft. addition to the 198,000 sq. ft. building that was approved for immediate construction, and of which 174,667 sq. ft. has been built, although the proposed 72,000 sq. ft. addition was not;

**WHEREAS**, the applicant is the owner the subject property and therefore has standing to appear before the Board;

**WHEREAS**, the applicant is represented by John Gillespie, Esquire of the Parker McCay firm;

**WHEREAS**, upon a finding that proper hearing notices had been mailed and published, and that its jurisdiction was therefore proper, the Board opened a hearing on the application at its August 28, 2018 regular meeting;

**WHEREAS**, the Board granted certain waivers of ordinance checklist submission items as detailed and recommended in the August 24, 2018 review letter of the Board's Engineer, and found the application sufficiently complete to be heard;

**WHEREAS**, the applicant's engineer, Robert R. Stout, PE, of Stout & Caldwell, appeared, was sworn, was accepted as an expert in the field of site and civil engineering by the Board, and offered his testimony in support of the application;

**WHEREAS**, the Florence Township Planning Board has made the following findings of fact and conclusions of law:

Findings of fact:

1. Burlington Coat Factory, a corporation whose principal place of business is 1830 Route 130 North, Burlington, New Jersey, has made application to Florence Township Planning Board for amended preliminary and final major site plan approvals to allow construction of a net total of 114 additional car parking spaces on a 34.89 acre parcel of land located on the southeast side of Route 130 adjoining

Burlington Township and known on the Official Tax Map of the Township of Florence as Block 160.01, Lot 1.01

2. The applicant is owner of the subject property, and therefore has standing to bring these applications before the Board.
3. The subject property lies in the Township of Florence HC Highway Commercial Zone District.
4. The proposed development has been designed by the applicant, and reviewed by the Board, under the standards of a Redevelopment Plan pertaining to the subject properties prepared by Environmental Resolutions, Inc., dated September 27, 2012 and adopted by the governing body pursuant to NJSA 40A:12A-1 *et seq.* on November 19, 2012, by way of Ordinance 2012-33.
5. The proposed office building use is a principal permitted use in the HC Zone District, and under the applicable Redevelopment Plan, therefore jurisdiction to hear the application is proper in the Planning Board.
6. The applicant has submitted proper proofs of service of notice and proof of publication of notice of the site plan and minor subdivision hearing, and the Board has jurisdiction to hear this application.
7. The applicant has submitted the following documents in support of its application:
  - a. A completed Township of Florence Land Development Application;
  - b. A completed Township of Florence Major Site Plan Application Checklist of Submission Requirements
  - c. Township of Florence Tax Collector's Certifications that no taxes were due on the subject properties at the time of the application;
  - d. Site Plan drawings comprised of 5 sheets prepared by Stout and Caldwell Engineers, LLC and dated 7/25/18 and revised 8/22/18;
  - e. Township of Florence Land Use Escrow Agreement;
  - f. Certified List of Property Owners within 200' of the subject parcels;
  - g. Application and escrow fees as required by ordinance;
  - h. Ownership disclosure as required by statute;
  - i. Cover letter of the applicant's counsel dated July 26, 2018;
  - j. Response letters of the applicant's Engineer dated August 22, 2018;

- k. An aerial view of the subject property (State photography dated 2015), introduced and entered into evidence in the course of the August 28, 2018 hearing as Exhibit A-1”;
  - l. A copy of the overall site plan from the 2012 approvals, introduced and entered into evidence in the course of the November 28, 2012 hearing as Exhibit “A-2”;
  - m. A color rendering of the currently submitted site plan sheet 2of 5, introduced and entered into evidence in the course of the November 28, 2012 hearing as Exhibit “A-3”.
8. The Board’s Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted review letters dated August 15, 2018 and August 24, 2018 commenting upon the application, which are hereby incorporated into the record.
  9. The Board’s Planner, Barbara Fegley, PP, of Environmental Resolutions, Inc., Engineers, Planners, Surveyors, Scientists, submitted review letters commenting upon the application dated August 15, 2018 and August 28, 2018, which are hereby incorporated into the record.
  10. The Township Fire Official, Brian T. Richardson, submitted review letters commenting upon the application dated August 16, 2018 and August 27, 2018, which are hereby incorporated into the record.
  11. The Township Chief of Police, Brian Boldizar, submitted a review letter dated August 2, 2018, which is hereby incorporated into the record.
  12. The overall site will continue to meet all applicable stormwater standards without modification of the existing stormwater facilities because runoff from the future 72,000 sq. ft. addition which was not actually constructed was already incorporated into the original stormwater calculations and facilities.
  13. The proposed additional and reconfigured existing lighting continues to meet applicable standards.
  14. There are presently 826 automobile parking spaces, 133 new spaces are now proposed, and 19 existing spaces are to be removed, for a net total of 940 spaces after construction.

15. The proposed development remains fully consistent with the standards set forth in the Redevelopment Plan pertaining to the subject properties prepared by Environmental Resolutions, Inc., dated September 27, 2012 and adopted by the governing body on November 19, 2012, by way of Ordinance 2012-33, but for one design exception that was granted in 2012 for the distance of the proposed central drive aisle from the property sidelines of the two smaller proposed Lots in the front of the property. This previously granted design exception is unaffected by the currently proposed development.
16. The applicant's representatives agreed to comply with the comments set forth in the review letters of the Township's Fire Code Official dated August 27, 2018, of the Board Engineer dated August 24, 2018, and with site design comment number 5 of the Board Planner's letter of August 28, 2018.
17. The Board finds the testimony of the applicant's representatives credible and probative.
18. No public was offered on the proposed development.

Conclusions of Law:

The Board finds that the proposed development conforms to Township ordinance standards. The applicant has complied with the application requirements and procedures of the Board for approval of such development. Therefore, the proposed amended preliminary and final major site plan should be approved, subject to appropriate conditions as set forth below.

**NOW, THEREFORE, BE IT RESOLVED** by the Florence Township Planning Board in the County of Burlington and State of New Jersey that the application of Burlington Coat Factory for amended preliminary and final major site plan approvals to allow construction of a net total of 114 additional car parking spaces on a 34.89 acre parcel of land located on the southeast side of Route 130 adjoining Burlington Township and known on the Official Tax Map of the Township of Florence as Block 160.01, Lot 1.01, be, and hereby is, approved, subject to the following conditions subsequent which do not toll the running of the time for appeal:

1. All conditions of prior approvals not expressly waived or modified by this Resolution shall remain in full force and effect as though set forth at length herein.
2. Compliance with the with the comments set forth in the review letters of the Township's Fire Code Official dated August 27, 2018, of the Board Engineer dated August 24, 2018, and with site design comment number 5 of the Board Planner's letter of August 28, 2018, as agreed on the record of the public hearing.
3. Compliance by the applicant with affordable housing obligations, if any, in accord with Township ordinances and State statutes in effect at the time of issuance of a Certificate of Occupancy.
4. All taxes and escrow fees for professional review must be paid current and in full.
5. Any additional development on the subject property or any modification to any development pursuant to, or inconsistent with, this approval and the drawings and exhibits presented by the applicant in support of the application or testimony leading to this approval shall require revised approval of this Board.
6. Compliance with all federal, state, county and local laws, rules, regulations and any other governmental approvals which may be required in implementation of this development, including but not limited to: Burlington County Planning Board and Burlington County Soil Conservation District. Copies of all applications, permits and certifications related to such approvals shall be filed with this Board. The applicant shall pursue with good faith and due diligence any and all such additional approvals as may be required and shall provide the Board with copies of all reports and approvals for same, including copies of any and all applications filed.
7. If another governmental agency grants a waiver or variance of a regulation, affecting this approval or the conditions attached to it, then this Board shall have the right to review that issue as it relates to this approval and these conditions and modify or amend the same.
8. The form of any permits, deeds, easements, vacations, dedications or other documents related to this proposed development shall be reviewed by the Board Attorney and Board Engineer for consistency with this approval and filed with the appropriate authority. Proof of recording with the County Clerk shall be filed with this Board.

9. The applicant shall post a performance guarantee (to the extent permitted by current statutes) in an amount accepted by the Township Council after recommendation by the Municipal Engineer and in a form approved by the Township Solicitor.

**BE IT FURTHER RESOLVED**, that a brief notice of these decisions be published in the official newspaper of the municipality within 10 days of the date hereof.

The conditions of this approval shall run with the land and be binding on all successors in interest, purchasers and assignees. In the event that the applicant does not implement this approval within two years of the date hereof (or such other extended date as may be provided by statute or Board action), this approval shall be void, unless, for good cause shown, the applicant seeks extension thereof.

**MOTION TO GRANT SECOND AMENDED PRELIMINARY and FINAL**

**MAJOR SITE PLAN APPROVAL:**

Moved by : Mr. Montgomery  
Seconded by : Mr. Molimock  
In Favor : Mr. Montgomery, Mr. Molimock, Mr. McCue, Mr. Morris,  
Councilman Lovenduski, Mr. Pagano, Chair Hamilton-Wood  
  
Opposed : None  
Abstained : None  
Absent : Mayor Wilkie

**MOTION TO ADOPT RESOLUTION:**

Moved by : Mr. Morris  
Seconded by : Mr. Pagano  
In Favor : Mr. Morris, Mr. Pagano, Mr. McCue, Mr. Molimock,  
Mr. Montgomery, Councilman Lovenduski, Chair Hamilton-Wood  
  
Opposed : None  
Abstained : None

**FLORENCE TOWNSHIP PLANNING BOARD**

Dated: 8/28/18   
Mildred Hamilton-Wood, Chair

**CERTIFICATION**

**BE IT REMEMBERED** that the within written Resolution was duly adopted at a regular meeting of the Florence Township Planning Board held on August 28, 2018 and memorializes a decision taken by the Board on August 18, 2018.

Dated: 8/28/18   
Wayne Morris, Secretary